

**AMENDMENTS TO THE DRAWINGS**

The attached sheets of drawings includes changes to Figs. 1 and 3. These sheets, which include Figs. 1 and 3, replace the original sheets including Figs. 1 and 3.

Attachment: Replacement Sheets

Annotated Sheets Showing Changes

**REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested.

**A. SUMMARY OF THIS AMENDMENT**

By the current Amendment, Applicant basically:

1. Editorially amends the specification.
2. Cancels claims 6,9 and 14-21 without prejudice or disclaimer.
3. Amends claims 1, 3-5, 7 and 8.
4. Adds new claims 22-30.
5. Amends the drawings.
6. Respectfully traverses all prior art rejections.

**B. PATENTABILITY OF THE CLAIMS**

**1. Rejection Under §101**

The Office Action rejects claims 14-21 under 35 USC §101, as allegedly directed to non-statutory subject matter. By this Amendment, claims 14-21 have been canceled. Accordingly, the rejection is moot.

**2. Rejection Under §102**

The Office Action rejects claims 1-21 under 35 USC §102(b) over U.S. Patent 6,728,208 to Puuskari. By this Amendment, claims 6, 9 and 14-21 are canceled. With respect to the remaining claims, the rejection is respectfully traversed.

Claim 1 is directed to a method of communicating data within a data communication system. Claim 1 includes steps of transmitting, from a higher layer transmitting protocol entity, a protocol data unit to a lower layer transmitting protocol entity. Claim 1 further recites receiving, in the higher layer transmitting protocol entity, a transmission result from said lower layer transmitting protocol entity, said transmission result reporting the result of the transmission of the protocol data unit by said lower layer

transmitting protocol entity. Finally, claim 1 recites deciding, responsive to the transmission result, whether the higher layer transmitting protocol entity should re-provide the lower layer transmitting protocol entity with the protocol data unit. Claim 1 recites that the higher layer transmitting protocol entity does not re-provide the protocol data unit to the lower layer transmitting protocol entity until after it has received the transmission result.

The Puuskari reference discloses a method of communicating data within a data communications system. Puuskari indicates that one or more of the elements of the data communication system may be capable of re-transmitting data. However, Puuskari fails to disclose or suggest any methods wherein a higher layer transmitting protocol entity waits to receive a transmission result from a layer transmitting protocol entity, and wherein the higher layer transmitting protocol entity does not re-provide data units to the lower layer transmitting protocol entity until after it has received the transmission result. In fact, Puuskari fails to disclose or suggest any details of the retransmission of data units, let alone a method wherein retransmission of data units is not performed until a transmission result has been received from the lower layer transmitting protocol entity. For all of these reasons, it is respectfully submitted that claim 1 is allowable. Claims 2-5, 7, 8 and 10-13 depend from claim 1 and are allowable for the same reasons, and for the additional features which they recite. Accordingly, withdrawal of the rejections is respectfully requested.

**C. NEW CLAIMS 22-30**

By this Amendment, claims 22-30 are added to the application. New claim 22 is directed to a computer readable medium storing computer software. Claims 23-30 depend from new claim 22. It is respectfully submitted that new claims 22-30 are also allowable for reasons similar to those discussed above in connection with claim 1.

**D. CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that additional changes are required to place the application in condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:           /JOHN C. EISENHART/          



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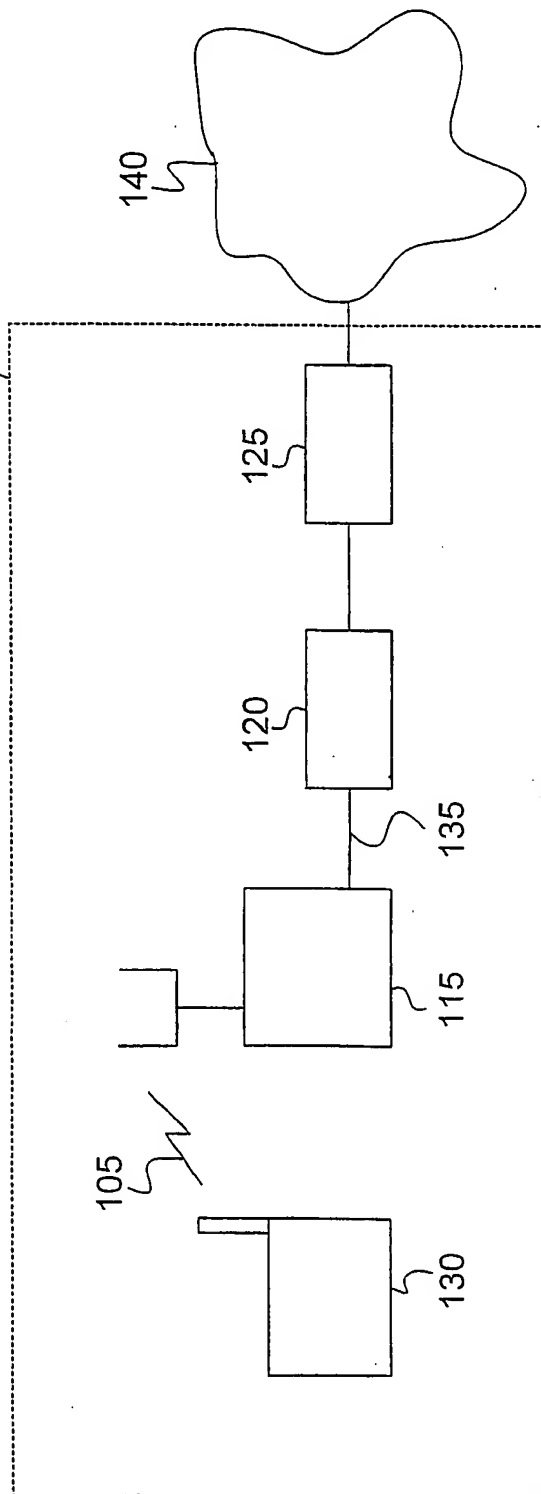
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Fig. 1  
BACKGROUND ART



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Fig. 3  
BACKGROUND ART

